IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 21581 of 2006(T)

PETITIONER:

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1. C.R.BHAVADAS, S/O.RAMACHANDRAN,
   SHOP NO.5, PANCHAYATH DAILY MARKET COMPLEX,
   VADAKKANCHERY, ALATHUR TALUK,
   PALAKKAD DISTRICT.

2. V.J.HAMSA,
   S/O.JABBAR RAWTHER,
   SALIM MANZIL, PAZHAYA CHANTHAPURA,
   VADAKKANCHERRY, PALAKKAD DISTRICT.

3. MOOSA, S/O.ISMAIL ROWTHER,
   PAZHAYA CHANTHAPURA, VADAKKANCHERRY,
   PALAKKAD DISTRICT.

4. V.M.KABEER,
   S/O.MOHAMMEDKUTTY, PAZHAYA CHANTHAPURA,
   VADAKKANCHERRY, PALAKKAD DISTRICT.

5. A.JABBAR,
   S/O.AHAMMED ROWTHER,
   VARUKUNNU, VADAKKENCHERRY,
   ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.M.R.HARIN
SMT.A.S.SUVITHA
SRI.MAHADEVAN.K

RESPONDENTS:

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1. DISTRICT COLLECTOR,
   CIVIL STATION,
   PALAKKAD.

2. THE TAHSILDAR,
   ALATHUR TALUK,
   PALAKKAD DISTRICT.

3. THE DEPUTY TAHSILDAR,
   ALATHUR TALUK,
   PALAKKAD DISTRICT.

4. VADAKKENCHERY GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
ALATHUR TALUK, PALAKKAD DISTRICT.

R1 TO R3 BY G.P. SRI. BASANT BALAJI
R4 BY ADV. SRI.S.RAMESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE SEC. 7 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE FIRST PETITIONER

EXT.P2 TRUE COPY OF THE SECTION 34 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE FIRST PETITIONER.

EXT.P3 TRUE COPY OF THE SECTION 7 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE 2ND PETITIONER.

EXT.P4 TRUE COPY OF THE SECTION 34 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE 2ND PETITIONER.

EXT.P5 TRUE COPY OF THE SECTION 7 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE THIRD PETITIONER.

EXT.P6 TRUE COPY OF THE SECTION 34 DEMAND NSOTICE DATED 22.8.2005 ISSUED TO THE THIRD PETITIONER.

EXT.P7 TRUE COPY OF THE SECTION 7 DEMAND NOTICE DATED 22.8.2005 ISSUED TO THE FOURTH PETITIONER.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 21581 OF 2007

Dated this the 11th day of June, 2007

JUDGMENT

Petitioners were tenants in a building owned by the fourth respondent-Panchayat. After protracted litigation, the Panchayat evicted the petitioners from the building. The surviving dispute is with regard to petitioners' liability to clear the arrears of rent during the period of their occupancy. It is conceded that petitioners continued based on the agreements which provided for five per cent rent increase every year. What the Panchayat opposed was their continuance and therefore so long as petitioners continued, they were bound to pay revised rent, that is at the rate of 5% increase every year. I do not think there can be dispute in this matter because computation of rent with 5% increase every year is not a big job at all. W.P. is therefore disposed of directing the Secretary of the Bank to give detailed statement of rent due during the period of occupancy by each of the petitioners after reckoning the increase at 5% every year and after giving credit for payments, if any, already made by the petitioners. A detailed statement

in respect of each of the petitioners should be given by the Secretary of the Panchayat within two weeks from the date of production of a copy of this judgment. If petitioners have any grievance they can take up the matter in appeal before the Panchayat Committee which will if necessary take the assistance of a chartered accountant and settle the dispute. If petitioners do not make payment within one month from the date of service of notice of demand by the Secretary of the Panchayat, respondents 2 and 3 will proceed for recovery of the amount through coercive steps based on revised statement issued by the secretary. Recovery proceedings will remain stayed for two months from now and thereafter recovery will be continued for the amount computed by the Secretary, if the petitioners do not make payment as stated above.

(C.N.RAMACHANDRAN NAIR)
Judge